

*We have an OSC assigned to this site.
Karen Bawski?*

Call Back



P. O. Box 1521 Knoxville, Tennessee 37901
office: 865/522-7007 fax: 865/329-2422 website: www.tcwn.org

September 1, 2005

Mr. Matthew Taylor
USEPA REGION 4
61 Forsyth Street, S.W.
Atlanta, GA 30303-8960

Dear Mr. Taylor,

TCWN and Tennessee Public Employees for Environmental Responsibility have submitted two complaints to the Tennessee Department of Environment and Conservation regarding an abandoned smelter site (see attached).

The Smokey Mountain Smelters (SMS) site is located in Knox County, Tennessee, on Maryville Pike (State Secondary Route #33), slightly beyond the city limits of Knoxville. From 1979 – 1994, SMS conducted secondary aluminum smelting and casting. Waste by-products from these processes were illegally dumped and possibly buried on site. The site is currently abandoned and unused. Large piles of waste by-products are found on the surface of the ground – open to the elements and uncontrolled. An unlined waste lagoon is located adjacent to the waste piles. The 29-acre site is located amidst residential and commercial properties in a low-income area of South Knoxville.

Contaminated seepage and surface drainage from the site enter a nearby unnamed tributary of Flenniken Branch, which flows to the Knob Creek embayment of the Fort Loudon Reservoir, and then to the Tennessee River. Water quality sampling events have indicated the presence of contaminants harmful to human health and the environment, including ammonia, arsenic, chloride, lead, and mercury. The Tennessee River is the source of drinking water for Knox Co. and many other communities downstream.

We ask that EPA Region IV to take interim action to find a responsible party to this pollution and commence clean up and stabilization of the site. This site is not safely contained. It borders a housing project and we have seen evidence of children playing on the site.

If you need further information, feel free to contact us.

Sincerely,

Renée V. Hoyos

Renée Victoria Hoyos
Executive Director
TCWN

B. Sulkin *by [signature]*

Barry Sulkin
Director
PEER

enclosures



April 25, 2005

Commissioner Jim Fyke
TN Department of Environment and Conservation
1st Floor - L & C Annex
401 Church Street
Nashville, TN 37243

Re: Smokey Mountain Smelters – Superfund and Water Pollution
Knoxville, TN

Dear Commissioner Fyke:

Our organizations have been trying to get some action by the state on clean up at the above referenced site in South Knoxville. Last summer we released a report which described the situation with this abandoned smelter and the stream pollution it is causing, and filed two complaints with the state, but it seems nothing got done and pollution continues.

The next step we planned was to ask EPA to take over the matter, but now that there is new leadership at TDEC, we thought we would first ask that you re-evaluate the case. Please take a look at our previous complaints of June 30, 2004 to Commissioner Child, and August 18, 2004 to Governor Bredesen. A copy of our report was also sent to your department, and it is online at: <http://www.tnpeer.org/News/2004/SmokeyMtnSmelt%20report%20-%20fin.pdf>

We are pleased with the new leadership at TDEC and hope you will help get matters like this unstuck. Please let us know if you would like to discuss further or visit the site, and what you are willing to do to help.

Barry Sulkin
Director, TN PEER
4443 Pecan Valley Rd.
Nashville, TN 37218

And

Renée Victoria Hoyos
Executive Director
Tennessee Clean Water Network



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June 30, 2004
Commissioner Betsy Child
TN Department of Environment and Conservation
21st Floor L & C Tower
401 Church Street
Nashville, TN 37243

Re: Smokey Mountain Smelters – Formal Complaint per TCA 69-3-118 and 68-212-206

Dear Commissioner Child:

In accordance with the above referenced state laws, we are filing this complaint and ask that your department investigate what we believe are numerous violations of the state's environmental laws. We have attached a copy of a comprehensive report on the Smokey Mountain Smelters Site completed by TCWN and Tennessee Public Employees for Environmental Responsibility (TN PEER) for your review and assistance in investigating this case.

The Smokey Mountain Smelters (SMS) site is located in Knox County, Tennessee, on Maryville Pike (State Secondary Route #33), slightly beyond the city limits of Knoxville. From 1979 – 1994, SMS conducted secondary aluminum smelting and casting. Waste by-products from these processes were illegally dumped and possibly buried on site. The site is currently abandoned and unused. Large piles of waste by-products are found on the surface of the ground – open to the elements and uncontrolled. An unlined waste lagoon is located adjacent to the waste piles. The 29-acre site is located amidst residential and commercial properties in a low-income area of South Knoxville.

Contaminated seepage and surface drainage from the site enter a nearby unnamed tributary of Flenniken Branch, which flows to the Knob Creek embayment of the Fort Loudon Reservoir, and then to the Tennessee River. Water quality sampling events have indicated the presence of contaminants harmful to human health and the environment, including ammonia, arsenic, chloride, lead, and mercury.

Although the Tennessee Department of Environment and Conservation (TDEC) and the Environmental Protection Agency are aware of the problems associated with this site, no action has been taken to control, treat, or contain the unpermitted discharge of pollution into surface waters of the state. The Tennessee Division of Superfund has been evaluating the site for several years but has not taken any needed action to contain the waste. Additionally, the Division of Water Pollution Control has failed to issue the appropriate wastewater and stormwater permits as required by state and federal laws – even a number of years ago when a clearly identified owner/operator was known.

TCWN and TN PEER request that the State of Tennessee take immediate action to:

- 1) Issue the appropriate NPDES permit to the responsible site owner/operator – addressing the discharge of contaminated pollution from stormwater, leachate, and the wastewater lagoon. The permit should include water quality based effluent limits and comprehensive monitoring requirements. Until the appropriate permittee is identified, TDEC should at least be monitoring discharge from the property on a regular basis.
- 2) Begin the cleanup and removal of waste. Given the hazardous nature of the waste and the threats to human health and the environment, the State should immediately begin the remediation process. At a minimum, the State should cover the exposed materials to prevent wash-off of pollutants from the site and, through the monitoring mentioned above, measure the effectiveness of the controls. Uncertainty regarding liable parties does not prevent the State from taking needed action. State and federal laws allow for this process to move forward and for costs to be recovered at a later time.

I look forward to hearing from you regarding this issue.

Sincerely,

Renée Victoria Hoyos
Executive Director
Tennessee Clean Water Network

enclosure

cc: Governor Phil Bredesen